

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JANUARY 18, 2011 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes - Present

Committee Assignments:

Finance, Administration & Capital Projects
Public Properties
Health & Recreation
Fire & Ambulance
Land Use
Police & OEM

3. Resolution #11-28 : Executive Closed Session

Motion: Councilmember Sciara Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara – Yes
Councilmember Waneck - Yes
Council President Miller – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Sciara Second: Councilmember Waneck

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:03 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Engineer Senkevich - Present
Borough Clerk Hughes – Present

6. Flag Salute

Council President Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

7. Adoption of Minutes: November 23, December 7 and December 21, 2010

Motion to adopt the minutes of November 23, 2010: Councilmember Grefrath

Second: Councilmember Waneck

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Motion to adopt the minutes of December 7, 2010: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Motion to adopt the minutes of December 21, 2010: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Abstain

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

8. Reports of Committees and Officials:

A) Mayor's Report

1) Martin Luther King Day Celebration

Mayor Birkner reported that he spoke on Sunday at a Martin Luther King Day celebration hosted by the Westwood Clergy Council at Mt. Zion Baptist Church. The event was well attended.

2) Shared Services

There is a shared service meeting this Friday in the Freeholders Chambers at One Bergen County Plaza. Mayor Birkner said Mr. Hoffmann would be attending, if any Councilmembers wished to join him.

3) Westvale Park

Mayor Birkner discussed a letter received from a resident regarding establishing a geese patrol at Westvale Park using residents' dogs. Mayor Birkner asked Councilmember Quinn and Councilmember Phayre to form a subcommittee to investigate the options. Specifically of interest is how to go about getting volunteers and incorporating a program. Councilmember Phayre asked Dr. Boswell for specifics on how the program in Allendale works. Dr. Boswell pointed out that he had submitted a Geese Police proposal. Mayor Birkner said it was very expensive. He is looking for a volunteer program. Councilmember Phayre and Councilmember Quinn agreed to look into the possibilities.

Mayor Birkner advised that yesterday at Westvale the lighting engineer manufacturer, electrician, and Boswell personnel were going to test the lights. Unfortunately the snow cover makes it impossible, since the snow doubles the brightness of the lights. Mayor Birkner noted there is a surge cost when turning on lights, and the burn in period to get lights to the correct brightness is about 25 hours. Mayor Birkner had directed the engineers to leave the lights on for five hours to start burning them. Governing Body members commented that they noticed how bright the lights were. Councilmember Phayre asked about the timer system. Mayor Birkner said the lights are currently set to turn off at 11 pm. The zones will be tested next, then Mr. Buchheister and Mr. Woods will be trained on using the system, which can be controlled from an ipad or cell phone or computer with a password.

Councilmember Quinn said the Recreation Board has stressed how important it is to be able to keep the lights on to finish game. Mr. Buchheister is working on determining who will be authorized to control the lights.

4) HUMC

Mayor Birkner explained that HUMC has petitioned for a brand new certificate of need for a new hospital in Westwood. This is a second track HUMC is taking. Originally it was thought there would not be any public comment in this process, however, the Record article indicated that the State Board of Health will accept public comment. A new resolution supporting the new application is drafted. The Pascack Valley Mayors have submitted a joint unanimous letter of support. The Pascack Valley Mayors will be meeting with the Northern Valley mayors next week and expects them to do the same. Mayor Birkner feels support is intensifying rather than waning for hospital at the former Pascack Valley Hospital site.

Resolution #11 - 29: Supporting the Petition filed by Hackensack University Medical Center requesting the New Jersey Department of Health and Senior Services call for the Application of a Certificate of Need Establishing

a New Acute Care Hospital in Westwood.

Motion to adopt Resolution #11-29: Council President Miller Second: Councilmember Phayre Roll Call:

Councilmember Grefrath – Yes. He believes it is single most important item on the Council agenda in 2011. It will affect Westwood, the Pascack Valley and its surroundings in a positive way. It is truly needed not just to provide jobs but because every second counts and the clock is still ticking.

Councilmember Phayre – Yes. He said it has been three years since this first began. The online petition is approaching the 10,000 signature mark. The original petition needs to be reworded to accommodate this information. He will work with the Clerk to revise it while maintaining the same intent.

Councilmember Quinn – Yes. She commented that after working as a nurse at Pascack Valley Hospital for 28 years she knows the importance of a hospital in the community. It has caused anxiety for residents to not have a hospital.

Councilmember Sciara – Yes. He noted that this is not the work of any one individual but a collective effort of the Pascack Valley and Northern Valley residents, commercial establishments, local, county and state elected officials.

Councilmember Waneck – Yes. She commented that her biggest concern is that the majority of public has fallen under the “Chicken Little” syndrome, having been asked to rally but seeing no tangible results for their effort. Residents are being asked again for their time. This is a make or break year, so there is the need to put forth as much effort as possible. Councilmember Waneck contacted HUMC today. There was a very successful postcard campaign last year which HUMC is interested in repeating, so she has offered to organize it.

Council President Miller – Yes. He thanked HUMC for staying with this. To those who seek to prevent the reopening of the hospital, he pointed out that the support for the hospital hasn’t diminished, the need hasn’t lessened, and the commitment hasn’t decreased. The issue is safety vs. increased profit. Council President Miller believes that safety far exceeds the profitability factor. He believes the reopening will prevail. He urged the public to make calls, write letters, leave nothing undone

Councilmember Phayre asked if contact information for the Commissioner of Health is on the Borough website. Mayor Birkner confirmed that it is, and other communities have done likewise.

B) Engineer’s Report

1) Bi-weekly Report

Dr. Boswell reviewed the bi-weekly report, a copy of which is attached.

2) Westvale Environmental Monitoring

Dr. Boswell advised that the quarterly environmental monitoring report was submitted today.

Phase 3B is still progressing. Plans have been approved by the DEP Dept. of Solid Waste, and will now go to Wetlands. The intent is to clean up the area this spring before vegetation grows. Mayor Birkner asked about the fence. Dr. Boswell stated they want a 6 ft fence and will not move on that.

Dr. Boswell explained that the Solid Waste permit renewal process generally starts a year out. Due to the change of engineer on the project it started 6 months out, and included a request for a permit shield. Mr. Hoffmann was notified that we were permitted incorrectly and should not have been issued a permit shield. The DEP notified the Borough by letter that they were imposing a \$4000 fine but will take \$2,000. Dr. Boswell is working on getting the fine abated, since he has the new permit in hand and it has a permit shield included.

3) Pascack Brook Sewer Pipe Project

Dr. Boswell reported that the Pascack Brook is done except for PSE&G hooking up the power.

Mr. Huntington requested the electricity be done as quickly as possible to reduce traffic on the homeowner's property.

4) Broadway Intersections

Councilmember Waneck understood there would be easements on the corner of Broadway and Jefferson at the proposed CVS. Dr. Boswell said some of the right of way has already been taken by the County. He will let the Borough know specifically. Previous improvements have seen the County take the right of way in that area. Councilmember Waneck said CVS still needs County approval. The application was contingent upon how much the County is widening the street. Dr. Boswell is hopeful the County hasn't approved it yet if they haven't taken what they need.

5) Westvale Park Lighting

Dr. Boswell noted that he has provided the cost per hour to turn lights on based on current electric rates.

Councilmember Waneck thanked Dr. Boswell for the data. She asked Mr. Hoffmann to get an estimate on hours needed to light the fields for 2011.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Budget Update

Councilmember Grefrath advised that the Finance Committee met January 13th. A second meeting on will be held on January 25 or 27. He will have a report at the next meeting.

2) Police and OEM:

a) Parking Authority Update

Council President Miller announced that the Parking Authority will meet on January 20.

3) Fire and Ambulance:

a) Ambulance Corps Update

Councilmember Sciara commented that the Ambulance Corps members have advised him that Valley Hospital's emergency room is still overcrowded, with patients overflowing into the hallways. He stressed that this area needs the hospital reopened. Councilmember Sciara stated that Valley Hospital is just making noise to make money for themselves, and has no regard for people. Mr. Huntington suggested the Ambulance Corps make a log of those incidents for the Certificate of Need hearings.

4) Public Properties:

a) DPW Update

Councilmember Phayre observed that the DPW has been tested by the frequent snowstorms in the past few weeks. They have done a great job each time.

Recycling flyers were mailed at the beginning of the month. The DPW has had to adjust some recycling days because of the storms.

5) Land Use:

a) Environmental Committee Update

Councilmember Waneck reported on last week's Environmental Committee meeting. She is working with Mr. Hoffmann to create a clear report on what was accomplished in 2010, how to measure success and failure, and goals for 2011. This will be presented at the February meeting.

Councilmember Waneck distributed and discussed the goals for the Environmental Committee, which includes providing advice for the Master Plan review and sustainable energy element.

6) Health and Recreation:

a) Library Update

Councilmember Quinn thanked Patch.com for its article on the jazz sextet performing at the Westwood Public Library.

b) Health Department Update

The rabies clinic is January 29. Dogs will be vaccinated from 1:00-2:30 pm, cats from 2:30 – 3:30 pm.

c) Recreation Update

Councilmember Quinn advised that the Recreation Director is holding meetings to coordinate Westvale issues, such as usage, lighting, and scheduling.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Eagle Scout Project

Mr. Hoffmann advised that the Eagle Scout project for Voorhis Park was approved by the JIF safety coordinator. The JIF would like to inspect the exercise station after completion. Councilmember Waneck asked whether the project would have to be taken down if it didn't meet the guidelines. Councilmember Phayre requested written approval of the project from the JIF, and then a final check for construction as stated. Mr. Huntington suggested the resolution approve the project subject to receipt of written signoff. An email would be acceptable.

2) Playground Grant

Council President Miller thanked Mr. Hoffmann for the update on the playground grant status. He requested clarification on the approval timetable. Mr. Hoffmann anticipates some kind of approval of the grant by the CDBG review board in February. Council President Miller asked when the Borough would receive the money. Mr. Hoffmann not sure, but Mr. Abbatamarco should recommend the grant to the Freeholders in May or June, which would mean receiving a check in July. Council President Miller pressed for details on when the playground would be ordered and installed. He noted he wants attention paid to this so there are no other delays in the approval and receipt process. Everything should be ready to go. Mayor Birkner pointed out that it has been the process all along, but Mr. Hoffmann can't be held to a specific date when it is in the County's hand on when the CDBG board meets and when the Freeholders decide. He agrees the rest of process should be in place, and the playground designed. Council President Miller stressed for the Borough to do what it can in advance including identifying the vendor. If the Borough is not anticipating funding then find an alternative. Mr. Hoffmann said the grant was submitted with a playground design and identified vendor, which can be supplied to the Governing Body. There are four playground vendors under State contract so the project can move quickly. Council President Miller would like things done concurrently not sequentially.

3) Bird Sanctuary Deed

Councilmember Waneck asked the status of the bird sanctuary deed transfer. Mr. Huntington advised that he has not gotten an answer yet. Councilmember Waneck would like to place bird houses in the park before the spring. Mr. Huntington will contact the County.

9. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Waneck

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Bruce Meisel, 263 Center Ave— regarding the hospital, Mr. Meisel commented that what's changed this time is that there's a new Commissioner of Health. He stressed the need for residents to contact this new Commissioner of Health now and turn out for any local hearings in the future.

Mr. Meisel complimented the Westwood DPW and Superintendent Rick Woods for a fabulous job over an incredibly difficult winter. Westwood has great reputation for keeping the downtown clean. Mr. Meisel believes the Borough is very fortunate to have these employees.

Motion to close the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the affirmative.

10. Ordinances of First & Final Reading:

Ordinances For Introduction

Ordinances on Final Hearing

11-1 An Ordinance Regulating The Position Of Borough Clerk

BE IT RESOLVED that Ordinance #11-1 entitled "An Ordinance Regulating The Position Of Borough Clerk", having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Grefrath

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #11-1 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath

Second: Councilmember Waneck

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

11-2 An Ordinance Regulating The Position Of Emergency Management Coordinator

BE IT RESOLVED that Ordinance #11-2 entitled “An Ordinance Regulating The Position Of Emergency Management Coordinator”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Council President Miller

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Council President Miller

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #11-2 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Council President Miller

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes
Council President Miller – Yes

11-3 An Ordinance Regulating The Position Of Deputy Emergency Management Coordinator

BE IT RESOLVED that Ordinance #11-3 entitled “An Ordinance Regulating The Position Of Deputy Emergency Management Coordinator”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Council President Miller

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Council President Miller

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #11-3 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Council President Miller

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

11-4 An Ordinance Adopting A Codification And Revision Of The Ordinances Of The Borough Of Westwood, County Of Bergen, State Of New Jersey; Providing For The Maintenance Of Said Code; Repealing And Saving From Repeal Certain Ordinances Not Included Therein; Establishing A Penalty For Altering Or Tampering With The Code; And Making Certain Changes In Previously Adopted Ordinances

BE IT RESOLVED that Ordinance #11-4 entitled “An Ordinance Adopting A Codification And Revision Of The Ordinances Of The Borough Of Westwood, County Of Bergen, State Of New Jersey; Providing For The Maintenance Of Said Code; Repealing And Saving From Repeal Certain Ordinances Not Included Therein; Establishing A Penalty For Altering Or Tampering With The Code; And Making Certain Changes In Previously Adopted Ordinances”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Grefrath

Second: Councilmember Phayre

Voice Vote: A voice vote was taken with all present voting in the affirmative.

Council President Miller discussed the recent Record article on snow removal. Mr. Huntington explained the general penalty clause, which is recommended by State statute. Council President Miller reiterated there is no minimum fine and the high end is for repeat offenders or blatant commercial offenders. Councilmember Phayre noted how snow put back into the street affects the DPW and traffic. Mr. Huntington noted the general penalty applies to other ordinances as well.

BE IT RESOLVED that an Ordinance known as #11-4 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

11. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately. Councilmember Grefrath noted that resolution “d” would be adjusted to reflect written approval of eagle scout project. Councilmember Quinn asked if VFIS insurance coverage amounts ever increase. Mr. Hoffmann advised that the Fire Department has approved the coverage amounts a few years ago. Councilmember Grefrath noted it does not grow with the inflation rate. Councilmember Quinn just wants the best coverage for the volunteers.

Resolutions as Consent Agenda:

- a) **Resolution #11 – 30: Abatement of Taxes**
- b) **Resolution #11 – 31: Payment for 2009 Pascack Valley Cooperative Pricing System (#107-PVCPS) NJDOT Project Contract to Owl Contracting**
- c) **Resolution #11 - 32: Renewal of VFIS Fire Department and Ambulance Corps Insurance**
- d) **Resolution #11 - 33: Authorizing Eagle Scout Project at Voorhis Park**
- e) **Resolution #11 - 34: Raffle License #402 – Zion Lutheran Church**
- f) **Resolution #11 - 35: Raffle License #403 – Zion Lutheran Church**
- g) **Resolution #11 - 36: Raffle License #404 - St. Andrew’s RC Church**

Motion to adopt resolutions #11-30 through #11-36: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

12. Adjournment:

Motion to adjourn: Councilmember Sciara

Second: Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 9:22 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk